

ESPEE LOSES LONG BATTLE FOR CANYON

Decision in San Carlos Matter Is Rendered Against the Railroad

DAM SITE IS SAVED FOR USE IN FUTURE

Applicants for Irrigation Projects Must Show Ability to Fulfill Requirements

WASHINGTON, Feb. 19.—(Special.) Assistant Secretary Samuel Adams of the interior department made a decision today in which he rejected the application for a right of way filed by the Arizona and Eastern Railroad company, August 3, 1909, across the San Carlos reservoir site. This, however, does not preclude the railroad company from presenting another application for a right of way along the Gila river at an elevation high enough to avoid interference with the reservoir site.

All Applications Rejected. Adams in the same decision, rejects without prejudice all applications for rights for a reservoir site by the associations which are seeking it as a basis for an irrigation project. He says none of the applications have satisfactorily demonstrated that they have made such investigation as shows the feasibility of their plans either from an engineering or from a financial standpoint or that they control sufficient funds to construct and successfully operate the project if the right were granted. Any of the associations may file a new application which may come up to the requirements.

The secretary says: "A railroad constructed through the reservoir site upon the grade applied for by the Arizona and Eastern railroad would practically destroy the future use of this site for irrigation and the department is by no means convinced that the additional cost of building and maintaining a road on a higher level so as to avoid interference with the reservoir site, would make the construction of a railroad impracticable. Certainly, the railroad should not be permitted to destroy the possibilities incident to irrigation of arid lands in a valley which includes Indian lands, and the resulting agricultural prosperity of that portion of Arizona."

LABOR PROTESTS ON PITNEY FOR JUSTICE

Iowa Leaders Call Upon Their Senators to Prevent Confirmation

DES MOINES, Ia., Feb. 19.—President Urick of the Iowa State Federation of Labor, today addressed a protest to Senators Cummings and Kenyon, against the confirmation of Chancellor Mahlon Pitney of New Jersey as associate justice of the United States supreme court. In his statement Urick said: "The appointment of Pitney would be injurious to the interests of the entire working class in the United States." He cited several judicial decisions of Pitney wherein the chancellor favored property rights as against human rights, and declared that Pitney by his decisions is irrevocably pledged to the capital classes.

"Opponents of organized labor," he said, "and those who advocate property rights, will be much pleased to have a man of Pitney's caliber on the supreme bench, but the individual who believes in personal rights should also be respected. Taft's appointment of Pitney would be disastrous."

LONE BANDIT ROBS PULLMAN SLEEPERS

B. and O. Train Is Visited By Robber in West Virginia

BALTIMORE, Md., Feb. 19.—While the west bound New York-St. Louis express on the Baltimore and Ohio was ascending a seventeen mile grade between Piedmont and Altamont, W. Va., a masked man tonight, armed, jumped on the sleeping cars and robbed the passengers of money and valuables.

Only a few were outside of the Pullman conductor and several passengers in the smoking room. The robber fired two shots but did not hit anyone.

The bandit forced a flagman to pre-

A BOY IN WINTER-TIME.

By John T. McCutcheon.



THE FAIRY STORY—"Once upon a time there was a very beautiful little fairy princess."

ARMY NEEDS IN DISPUTE IN HALLS OF CONGRESS

FIERCE FIGHT IS REPORTED

Most Severe Engagement of Present Trouble Reported to Be in Progress

REBELS ARE DEFEATED

MEXICO, Feb. 19.—A battle in which more were engaged than in any conflict since the recent trouble began, was being fought near Cuernavaca when last reports were received.

Early this morning General Robles opened an attack upon the rebels entrenched in about Santa Maria. He used artillery freely and at last reports had driven the rebels into town who there took positions which they tried to defend. No estimate of casualties is given.

The rebels of the north received their first severe defeat near San Pedro northeast of Torreon in an encounter Saturday night followed by another yesterday and not until the engagement in the morning were the rebels repulsed. They attempted three times to take the little town and were held back by 250 federals commanded by Col. Emilio Madero, a brother of the president. Fifty seven dead rebels were left on the field. The government losses were not given.

The garrison at Torreon has been increased a thousand and the city is again practically isolated by destruction of bridges. Wires between here and Torreon were cut yesterday.

The question of restricting liberty of the press was again discussed without result today. Members of the permanent committee confess, it is reliably stated, that the executive will place before this body a measure for such restriction at a regular meeting Thursday.

DROPS HUNDRED FEET.

AUGUSTA, Ga., Feb. 19.—Lieutenant Kennedy, U. S. N., of the aeroplane corps, who fell one hundred feet today from his aeroplane, was taken to the hospital unconscious and may die.

CHINESE BOYS LUCKY.

VANCOUVER, B. C., Feb. 19.—Three Chinese boys playing ball in New Westminster Park today unearthed a bag containing \$4,196 in gold which was identified as part of the loot secured in the bank of Montreal robbery on September 15 last.

cede him through the coach searching the clothes and berths of fourteen passengers, thus securing \$600 in money and much valuable jewelry. When the train arrived at Altamont the robber dropped off and disappeared.

(By Winfield Jones, Special Correspondent of The Review.)

WASHINGTON, Feb. 19.—The United States is unprepared for war and if one should come with a first class power the immediate results would be overwhelming disaster to the nation. This is the unanimous verdict of high army officials and military experts.

The Texas "maneuvers" last year demonstrated that a mobile army of 20,000 men, a force that would be insignificant to meet an invader that had destroyed our control of the seas, can not be brought together within a week. This number of men, engaged in the Texas maneuvers comprised one-fourth of the standing army of the United States. To make up this force over three thousand men, trained to man coast defense guns had to be impressed as infantrymen.

Army officials, under the direction of Major General Leonard Wood, chief-of-staff of the army, have impressed upon congress the deplorable condition of the nation's defenses, a condition that was but before congress in reply to the McLaughlin resolution at the last session asking specifically for the condition of the national defenses in event of war. Congress paid little heed to the warnings of the military experts. It has refused to give the president the power to call out the militia of the several states, without first applying to the governors in time of national peril. It has refused to eliminate policies from the national guard, refused to create a reserve corps, that in eight years would have half a million trained soldiers ready to come to the colors at outbreak of war; has refused to furnish regular officers to properly train militia officers and men to make them effective troops.

Lesson From Maneuvers. Congress claims that these things cost too much money. Answering this General Wood is telling congressmen and senators that "the cost of preparation is not two percent interest on the cost of a war commenced without adequate preparation."

Troops, ordered to Texas from Fort D. A. Russell, Wyoming, took seven days to reach San Antonio. The trouble with the delay lay with the railroads. They could not furnish proper transportation. This condition is bound to occur in all big governments of troops, and as an indication of the army's efforts to find out the weak spots and remedy them, a number of officers are to be given training in the operation and handling of railroad traffic. If a war should come and railroad officials were unable to properly handle the problem of transportation these officers would step in and take control of the railroad.

Speaking of the problems confronting the nation from a military standpoint one of the recognized army experts, paying special attention to the Texas maneuvers, said: "Through-

the whole undertaking eventually they must prepare themselves to police the whole western hemisphere or back down on the Monroe doctrine. Conditions should be greatly bettered. If they are not bettered the Monroe doctrine must go. It has been shown that the time has come for the people to decide through their representatives in congress, whether they intend that the United States shall dominate this hemisphere or whether we are to back down on the proposition of saying 'hands off' to the rest of the world."

Some Army Needs. The condition of our regular army shown by the difficulties of gathering only 20,000 troops in Texas, a move that took a week to execute, the experts say, teaches the lesson that the United States will have to create a larger military department or else give up all attempts of playing policeman to the turbulent Central and South American republics and to Mexico.

One of the most serious problems confronting the military establishment is the lack of field artillery and ammunition. Before the house military affairs committee last year, General Wood frankly told the members that the army was in a bad way especially for this artillery and for ammunition. To give the army the minimum number of field pieces now needed, 1,000 it would take all the arsenals of the country, working along conservative lines five years to build them. By working the plants night and day and doubling their capacity a hundred field pieces could be turned out in two years. Ammunition for these guns is needed in Germany and England, as well as France, there is on hand at least 2,500 rounds of ammunition for each field piece. The war department would like to have at least a thousand rounds of ammunition on hand for each piece of artillery now in the service, but congress can not see the wisdom of making the appropriation necessary, and it is said on excellent authority that there is not enough rifle ammunition on hand to keep 20,000 regulars in fighting trim for two months.

Money for Rifles. The army is also endeavoring to have congress supply money in order to have made 1,000,000 rifles, of which 800,000 would be Springfield and 200,000 Krags. Speaking of the need for a large supply of rifles, General Wood, said: "In former times, in the day of sailing ships and in the days when regular armies, highly organized and equipped as they are today were practically unknown in Europe or elsewhere, war was always preceded by preliminary indications, usually covering many months. Certainly this was the case in all over-sea wars. The oceans in those days were effective barriers against over-sea operations of any great magnitude. Now, with rapid sea transportation and with large ships capable of

COLOMBIA IS CUT OFF KNOX VISITING LIST

Suggestion That Call Is "Inopportune" Taken As Intended to Be Insult

DISCOURTESY TO HIM QUICKLY DISCLAIMED

Controversy Arises Out of Refusal to Arbitrate Panama Matter by the U. S.

WASHINGTON, Feb. 19.—Secretary Knox will not visit Colombia during his tour of the countries bordering the Caribbean unless on a special invitation from that government, night by his acting secretary, Huntington, who also said that he thought such an invitation unlikely. He intimated a visit to Colombia was not included in the original plans and intimated that the state department felt no special concern over the action of self contained concern.

Insult Is Disclaimed. "Our position," he said, "is one of self contained concern." Insult is disclaimed. Senator Pedro Del Ospina, the Colombia minister today disclaimed in a public statement any intention of insulting either the United States or Secretary Knox by his personal notification to the state department that a visit to his country by the secretary would be "inopportune." The minister said his letter was "intended to be courteous and is couched in polite and considerate language and was written to avoid any personal unpleasantness to Secretary Knox by a visit to Colombia." Ospina reiterated that he thought the trip is now "inopportune" because the citizens of Colombia are naturally deeply grieved to find their country the only one in the whole world to which the United States refuses a treaty of arbitration.

Panama Is Cause. Ospina's action is applauded by some members of congress as well as members of the Latin-American diplomatic corps. Chairman Sulzer of the house committee on foreign affairs issued a statement which said: "The testimony thus far adduced shows conclusively that the taking of Panama was the result of a conspiracy carefully planned and carefully executed. This government will make reparation to Colombia." Sulzer's remarks conflict with what is said to be the attitude of the state department toward Colombia's demand for arbitration of the dispute growing out of the partition of Panama, it being held by the government that any differences in connection with affairs are wholly between Colombia and Panama and that the United States is a third party and has nothing to arbitrate.

WELCOME IN PANAMA

PANAMA, Feb. 19.—President Chari of Panama, today said Secretary Knox will receive a warm welcome in Panama, if he visits that country.

BANKER CONVICTS PAROLED

LEAVENWORTH, Kan., Feb. 19.—Clarence C. Waller of Fort Smith, Ark., and Charles E. Mullen of Pittsburg, two convicted bankers, were paroled from the federal prison today after having served half of their sentences.

HELP COAL STRIKERS

Promised Action Would Keep Out All Foreign Coal.

LONDON, Feb. 19.—The National Transport workers today voted to aid the coal miners in every way possible in the event a general strike is called. This action would prevent the unloading of any foreign coal shipped to British ports.

carrying two or four thousand troops for any nation possessing the sea, the ocean, instead of being a barrier, is the most convenient means of access to an enemy. Then again the old type of rifle musket was crude. It could be rapidly made and required comparatively little experience or training for its efficient use. Nowadays the rifle is a very complex, delicate instrument, and requires much time to make, is costly and the men who are to use it efficiently require months of patient instruction. So that a country like our own, which is unprepared for defense, must have in reserve a reasonable supply of war material and must make all possible provision in the way of organizing its army, so that in case of a sudden war we shall be able to make a thoroughly efficient resistance during the beginning.

That is about the situation. You see we are now unprepared for real hostilities with a first-class power—I speak with all candor—and we have never had in all our history a war with a first-class power—I speak with all candor—and we have never had in all our history a war with a first-class power prepared for war."

KNOWLEDGE BROUGHT HOME TO LEADERS OF IRONWORKERS

Resolution Is Introduced in Convention That Denouncing Cease

DIES IN COMMITTEE

INDIANAPOLIS, Feb. 19.—That denouncing plots were brought to the attention of certain committees at international convention in Rochester in 1910, came to light today as one of the government charges against the indicted men. It is charged by the federal authorities that a resolution demanding that "no more bombs or explosives of any kind be exploded while this convention is in session," was written out in regular form by a delegate to the convention, was secretly referred to the committee without the action becoming known, and was later found by the government among the papers taken from the ironworkers headquarters in Indianapolis. The government claims to have the original resolution.

The charge is a delegate, known to the government, demanded that explosions be stopped temporarily at the time when many steel and ironworks under erection by "open shop" this way many officials, including contractors were being blown that in President Ryan, Vice-President Hock, in and members of the executive had the subject brought to their attention.

Presents to Their Attention. What the real motive in offering the resolution is not divulged but it is pointed out that J. J. McNamara and McManigal were on their way from Indianapolis to Rochester when, according to the McManigal confession, McNamara decided to leave at Cleveland a suitcase containing twenty quarts of nitroglycerine. McManigal, associated with McNamara, mapped out a series of explosions which were to be "presents to the convention." He also quoted McNamara as saying he wanted a lot of jobs blown up to make the convention feel good. The year this convention was held, twenty five bridges, viaducts and buildings were blown up in various parts of the country.

Advises received by the government today state that at least half a dozen defendants are preparing to tell what they know. The arrest in Chicago today of Patrick Ryan, former business agent of the Chicago union leaves only one of the fifty-four, J. J. McCarty, unapprehended. Ryan surrendered to a United States commissioner and was released on \$5,000 bail.

PRISONERS ARE SHOT AS THEY LEAVE COURT

One Killed and Later Two Attacks Are Made Upon Jail

SHELBYVILLE, Tenn., Feb. 19.—Deprived of its prey in a first attempt to slaughter three negroes as they were being taken from the court to the jail, a mob broke into the sheriff's office where the wounded blacks had been taken and fired upon them. Still two of them are alive but it is believed the mob will storm the jail late tonight and finish the work.

Evidence developed in a preliminary hearing was so strong that the men killed S. W. Everson, a railroad officer, that the three were bound over. As they were being taken down the steps a mob attacked the sheriff and six deputies and killed one of the blacks and badly beat the others. Reports were sent out from the sheriff's office that all the negroes were dead but was not believed for the mob stormed the jail again. The sheriff was captured and his office door broken in and the firing resumed. Each of the wounded prisoners was struck. Believing them all dead the mob then dispersed.

Later the two wounded blacks were secretly taken to the jail. In the two hours between the attacks Sheriff Williams telephoned to the governor to send troops and a Nashville militia company was ordered out. This order was countermanded on later advice from the sheriff.

Everson was thrown from the train trying to put the negroes in a Jim Crow car. It is stated the mob was made up largely of persons from Nashville mostly railroad men. Governor Hooper offered \$500 each for the capture and conviction of the mob members.

All was quiet at midnight. No more trouble was feared. Railroad men said the mob had dispersed and it is believed they have left town.

MAY VINDICATE GILL

Recalled Mayor of Seattle Is To Run Again.

SEATTLE, Feb. 19.—Hiram C. Gill, the advocate of a wide open town recalled last year for alleged misconduct in office, will be renominated for mayor at a primary tomorrow. All but the two highest will be eliminated but it is certain Gill will be one of the two.

"OREGON PLAN" FOR CONGRESS TO ACT UPON

Supreme Court Refuses to Annul Legislation by Initiative and Referendum

MATTER IS POLITICAL AND NOT JUDICIAL

Congress Alone Can Determine Whether Republican Government Exists

WASHINGTON, Feb. 19.—The United States supreme court today declined to annul as unconstitutional the initiative, referendum and recall. The court, in its decision declared it had no power as to the form of government of the states, as that matter is purely political and is within the confines of congressional action. The tribunal held that the question of whether a state still maintained the republican form of government guaranteed by the constitution after it adopted the initiative and referendum was a problem for congress and not a judicial one for the courts.

Arizona Is Affected. The decision was based on the claim of the Pacific States Telephone and Telegraph company that the tax imposed by the initiative and referendum method in Oregon is unconstitutional. The initiative and referendum provisions of California, Arizona, Missouri, Arkansas, Colorado, South Dakota, Utah, Montana and Maine hung in the balance and an adverse decision would have affected proposed legislation of that character in other states.

Chief Justice White announced the decision and none dissented. The chief justice said: "A singular misapprehension" had existed on both sides of the case but that the "mists and confusion" were dissipated by the decision of Justice Taney years ago which disposed of the Dorr rebellion question in the case of Luther versus Borden which decided, he said, that the enforcement of the guarantee of a republican form of government in the states belonged to the political department of the government and would come up, for instance, on the admission of senators and members of the house to their respective bodies.

Sites Kentucky Case.

Attention to the decision of Chief Justice Fuller in the controversy over the Kentucky government in the case of Taylor versus Beckham. Referring to the doctrine laid down in these two cases, White said, "It is indeed a singular misconception of the nature and character of our constitutional system of government to suggest that the settled distinction which the doctrine just stated points out between the judicial authority over justiciable controversies and the legislative power as to purely political questions tends to destroy the duty of the judiciary in proposed cases to enforce the constitution. This suggestion results from the fact that the distinction between things which really affect, that is, the legislative duty to determine political questions involved in deciding whether a state government republican in form, exists, and the judicial power and ever present duty whenever it becomes necessary in a controversy properly submitted to enforce and uphold the applicable provisions of the constitution as to each and every exercise of governmental power."

Distinction Is Made.

"How better can the broad lines which distinguish these two subjects be pointed out than by considering the character of the defense in this very case? The defendant company does not contend it could not be required to pay a license tax. It does not assert it was denied an opportunity to be heard as to the amount which was taxed, or that there was anything inherent in the law which violated any of its constitutional rights. If such questions had been raised it would have been justifiable and therefore would have required a calling into operation of the judicial power. Instead, however, of doing any of these things, the attack on the statute made here is wholly of a different character. It is essentially political in nature as it is at once made manifest by the understanding that the assault which the contention here advanced makes is not on the tax as a tax, but on the state as a state. It is addressed to frame the word to the political character of government by which the statute levying the tax passed."

"It is government, political entity, which (regarding the case to its essence) is called before this court, not for the purpose of testing judicially some exercise of power assailed on the ground that its execution has injuriously affected the rights of an individual, or because of redundancy to some constitutional limitation, but the demand of the government that it establish its rights to exist as a state."

Osteopaths Lose Case. "The right of states to classify osteopathy as a practice of medicine, was upheld. The case arose in El-

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